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therefore be upheld, as the statute is severable. This exact point does not appear to be discussed very fully in the majority opinion.

The case is very similar to *Minnesota v. Barber*, 136 U. S. 313, in which the same result was reached. But in all questions of interstate commerce, where the relative powers of the States and the Federal government are involved, the true rule, in point of principle, would seem to be for the courts to decline to interfere, unless the State statute be arbitrary or partial, or touch subjects which clearly require one uniform system throughout the country, leaving to Congress its legitimate function of revising, in whatever way it sees fit, such State legislation. See 10 HARVARD LAW REVIEW, 378.

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THE PRESENT CONSTITUTION OF THE PRINCIPAL COURTS OF ENGLAND.—The interest attaching to the recent promotion of the Hon. Sir Joseph William Chitty from the Chancery Division to the Court of Appeal suggests that a few words concerning the English courts may not be out of place. Since 1873 the judicial system of England has been so radically and so frequently amended that to many its present arrangement is largely matter of conjecture. The Supreme Court of Judicature is the collective name applied to Her Majesty's High Court of Justice and Her Majesty's High Court of Appeal. The former is a court of original jurisdiction, and is composed of three divisions. These are the Queen's Bench, Chancery, and Probate, Divorce, and Admiralty Divisions. The first consists of a President, who is the Lord Chief Justice of England, and fourteen puisne judges; the second is composed of five judges; a President and a single associate form the third. The divisions are made merely for convenience, as each court has all the powers and jurisdiction of the others; that is, a chancery judge may probate a will if he wishes, but refrains from considerations of expediency. Though appointed to a particular division, any judge may sit and act in any of the three courts. These provisions are the result of the Judicature Acts of 1873 and 1875, a main object of which was the fusion of law and equity. The title of a judge is not derived from his own division, but is Justice of the High Court.

The other division of the Supreme Court, the High Court of Appeal, consists of the Master of the Rolls, who is now judge of appeal only, and whose title is entirely dissociated from its historical significance; five judges with the title of Lords Justices of Appeal, and the following *ex officio* members: the Lord Chancellor, the Lord Chief Justice of England, the President of the Probate, Divorce and Admiralty Division, and all ex-Chancellors. The Court of Appeal sits in two divisions, from one to the other of which the judges constantly change. From this court their lies an appeal to the House of Lords, which may be heard only when at least three Lords of Appeal are present. The Lords of Appeal are the Lord Chancellor, any member who holds or has held high judicial office, this signifying ex-Chancellors and judges and ex-judges of Her Majesty's High Courts, and four Lords of Appeal in Ordinary. These last are life peers with the title of Baron, appointed for the purpose of strengthening the House of Lords as a court. Final appeals from the Colonies and in ecclesiastical matters are sent to the Judicial Committee of the Privy Council. This committee is composed of the Lord President of the Council, any member who holds or has held high judicial

office, and the Lords of Appeal in Ordinary. The Lord Chancellor is appointed by the Prime Minister, and as he is a member of the Cabinet, presiding officer of the House of Lords, and goes out with his party, his position as judge is anomalous. His functions as a judge of the Chancery Division, seldom exercised since 1875, have now been formally taken away. All the other judges are appointed by patent from the Crown on the advice of the Lord Chancellor, and hold office during good behavior.

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THE LIMITATIONS IN CHUDLEIGH'S CASE. — One of the best examples in the books of the ingenuity of early conveyancers is to be found in *Chudleigh's Case*, 1 Rep. 114. One Richard Chudleigh, Knight, there appears as grantor in a deed by which lands were conveyed to trustees in fee to the use of the said Chudleigh and his heirs on the body of Elizabeth, then wife of Richard Bampffield, lawfully to be begotten; for default of such issue, to the use of said Chudleigh and his heirs on the body of Laurentia, wife of Robert Fulford, lawfully to be begotten; and so on until the names of four other married women had been similarly employed; finally, if Chudleigh should die without issue by any of them, then, after his death, the trustees were to hold the estate to their own use during his eldest son Christopher's life, and after his death, to the use of his first and other sons successively in tail.

The curious form of these limitations has often been noticed. A correspondent in the January number of the *Law Quarterly Review* calls attention to an explanation of them in Popham, 70, 76, where there is a report of the case under the name of *Dillon v. Fraine*. "In as much as the manner of assurance made by Sir Richard Chudleigh may seem strange, and in some manner to touch the reputation of the said Sir Richard (who was a grave and honest gentleman) to those who hear it, and do not know the reason why he did it," Popham says that it is only just to add a word of explanation. And he proceeds to relate how Sir Richard's son Christopher had committed murder and fled to France, and the father, doubting what would become of his estate if he should die before settling it, and yet wishing to retain the power of destroying, by a common recovery, any settlement he might make, had been advised by counsel to convey the land in the above manner. He thus succeeded in preventing his son Christopher from inheriting the estate, and at the same time did not prejudice his other issue, "because he never had a purpose to marry with any of these wives." The reason why so many married women were introduced into the settlement would appear to be, as the writer in the *Law Quarterly Review* remarks, to guard against the contingency of Sir Richard being left tenant in tail after possibility of issue extinct; which would have hindered him in suffering a recovery.

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WHEN WILL EQUITY SET ASIDE A VOLUNTARY SETTLEMENT? — Under what circumstances a party shall be allowed to revoke his own voluntary settlement of property, containing no power of revocation, is a question on which there has been much fluctuation of opinion in both England and America. In the recent case of *Richards v. Reeves*, 45 N. E. Rep. 624 (Ind.), the court, in deciding that the maker of an improvident voluntary settlement, without a power of revocation, might have had it set aside, state the rule to be "that in a voluntary settlement the absence